

FEB 19 2013

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

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|                            |   |                                |
|----------------------------|---|--------------------------------|
| RICHARD GLENN NEWMAN, JR., | ) | Civil Action No. 7:13-cv-00015 |
| Plaintiff,                 | ) |                                |
|                            | ) |                                |
| v.                         | ) | <b><u>ORDER</u></b>            |
|                            | ) |                                |
| GERALD A. MCPEAK, et al.,  | ) | By: Hon. Michael F. Urbanski   |
| Defendants.                | ) | United States District Judge   |

In accordance with the Memorandum Opinion entered this day, it is hereby

**ORDERED**

that the Complaint is **DISMISSED** without prejudice for failing to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915A(b)(1), and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to plaintiff.

ENTER: This 15 day of February, 2013.

*Hon. Michael F. Urbanski*

United States District Judge